

Office Action Summary

Application No
09/343,696

Applicant(s)

TONY PERVAN

Examiner
Yvonne M. Horton

Group Art Unit
3635



☒ Responsive to communication(s) filed on Jun 30, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-40 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed

☒ Claim(s) 1-40 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d)

☒ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received

☐ received in Application No (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2, 4 and 5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION


Reissue Applications

1. The reissue oath/declaration filed with this application is defective because it does not state whether the inventor is the sole or joint inventor of the invention claimed as required by 37 CFR 1.63 (a)(4).
2. The reissue oath/declaration filed with this application is defective because the error which is relied upon to support the reissue application is not sufficient in that it does not provide a detailed description of the subject matter the Applicant failed to include in the claims and upon which a reissue can be based. A mere statement that subject matter as claimed in the reissue claims was omitted in error is not a detailed reason of the errors. The Applicant must include in his statement the actual "subject matter" erroneously omitted. See 37 CFR 1.175(a)(1) and MPEP § 1414.
3. Claims 1-40 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

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4. In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-2168.

662890-9694460

Yvonne M. Horton
Patent Examiner
Art Unit 3635
April 10, 2000